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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE
WRIT PETITION NO. 1444 OF 1998
WITH
CIVIL APPLCIATION (ST) NO.6448 OF 2000
Sayed Athahar Husein Syed
Jafar Husein Jahagirdar .. Petitioner

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. G.M. Saragare for petitioner.

Mr. V.S. Gokhale, AGP for Respondent Nos.1 to 3.

**CORAM : B. H. MARLAPALLE &
D. B. BHOSALE,JJ.**

Date : APRIL 12, 2006.

P.C.:

1. The petitioner was appointed by respondent
no.2 i.e. Dean, Dr.V.M. Medical College, Solapur in
the post of junior clerk on 28/6/1996 in response to
his application dated 24/6/1996. He was appointed
against a post available for the project affected
persons and the petitioner had submitted such a
certificate dated 18/3/1987 issued by the
rehabilitation officer at Beed. However, by an order
dated 26/5/1997 i.e. before the petitioner was to
complete one year of his service, he was removed from
service and, therefore, he approached the Maharashtra
Administrative Tribunal in O.A. No.389 of 1997. The
said application came to be dismissed by the impugned
judgment dated 27/2/1998 rendered by the Division

Bench of the Maharashtra Administrative Tribunal at
Mumbai.

2. The petitioner claims that the termination order dated 26/5/1997 was passed without affording him an opportunity of hearing and behind his back. He further states that the so called inquiry was conducted on the basis of an anonymous letter received by the respondents-authorities and such a letter could not have been taken cognizance of. The Tribunal called for the record from the respondents and noted that the Government Circular dated 7/5/1989 issued through the General Administration Department concerning the subject of anonymous applications and it stated, inter alia, that if the anonymous application had referred to any specific and verifiable instance and if it was considered important enough from a public angle for further investigation, the same could be looked into but other anonymous applications should be filed without any consideration. The anonymous application at Exh.R-1 was addressed to the Secretary, Medical Education and Drugs Department complaining that the petitioner was appointed by the Dean of Dr. V.M. Medical College when he was due to retire shortly and the appointment was made illegally and in collusion with the Administrative Officer. The anonymous application

was, therefore, forwarded by the Secretary to the Director of Medical Education and Research who, in turn, called for the report from the Grievance Redressal Officer of the Medical College.

3. Two different affidavits were filed on behalf of the respondents before the Tribunal, the first being dated 14/8/1997 and the additional affidavit was dated 3/2/1998. The list of project affected persons was also placed before the Tribunal at Exh.R-10. On perusal of all these documents, the Tribunal noted that there were 67 clerical vacancies under respondent no.2 and one of them was reserved for a project affected person. The candidate at Sr.No.1, namely, Shri S.B. Choudhary was already appointed by order dated 30/3/1994 against one post reserved for the project affected persons and he was still in service. Consequently, there was no vacancy available for project affected persons. In addition, as per the roster for reservation, the post in which the petitioner was appointed was reserved for a scheduled tribe category candidate and it was not available for a project affected person. Admittedly, the petitioner does not belong to the scheduled tribe category. For the post of clerk-cum-typist requisite qualifications laid down at the relevant time were typing speed of 40 w.p.m. in English and 30 w.p.m. in Marathi. The

:4:

petitioner did not qualify as a typist in Marathi and, therefore, he did not possess the requisite qualifications. The petitioner was thus not eligible for the said post which, in fact, was reserved for a scheduled tribe category candidate and there was no post available for a candidate from the project affected persons category. The reasoning set out by the Tribunal in support of its opinion to dismiss the application does not suffer from any errors and, therefore, there is no case made out to interfere in the same under our supervisory powers. The challenge to the said decision is thus devoid of merits.

4. In the result, the petition fails and the same is hereby dismissed. Rule discharged. No costs.

5. In view of the above, Civil Application (Stamp) No.6448 of 2000 does not survive and shall stand disposed off.

(D.B. Bhosale,J.)

(B.H. Marlapalle, J.)